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SB-322 Urban equestrian inclusion zones. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 322

Introduced by Senator Menjivar

February 11, 2025

An act *to amend Section 66300 of, and* to add Chapter 6.4 (commencing with Section 51043) to Part 1 of Division 1 of Title 5 ~~of~~ *of*, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 322, as amended, Menjivar. Urban equestrian ~~initiative~~ *inclusion* zones.

Existing law, the Urban Agriculture Incentive Zones Act, authorizes, under specified conditions, a city, county, or city and county to establish by ordinance an urban agriculture incentive zone for the purpose of entering into voluntary contracts with landowners to enforceably restrict the use of vacant, unimproved, or otherwise blighted lands for small-scale production of agricultural crops and animal husbandry. Existing law prohibits a city, county, or city and county from entering into a new contract or renewing an existing contract under these provisions after January 1, 2029.

This bill would authorize a city, county, or city and county, under specified conditions, to establish by ordinance an urban equestrian ~~incentive~~ *inclusion* zone within its boundaries for the purpose of entering into enforceable contracts, as described, with landowners, on a voluntary basis, for restricting land use for equestrian activities, as defined. The bill would prohibit a city, county, or city and county from entering into a new contract or renewing an existing contract under these provisions after January 1, 2029.

Existing law, the Housing Crisis Act of 2019, prohibits certain counties and cities from enacting a development policy, standard, or condition that would have any of specified effects, including reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district in effect at the time of the proposed change, below what was allowed under the land use designation or zoning ordinances of the county or city, as in effect on January 1, 2018, except as specified. Existing law defines "reducing the intensity of land use" for these purposes.

This bill would include entering into enforceable contracts with landowners for restricting land use for equestrian activities within the definition of "reducing the intensity of land use."

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 6.4 (commencing with Section 51043) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 6.4. Urban Equestrian ~~Incentive~~ Inclusion Zones

51043. (a) (1) (A) ~~(i)~~ A city, county, or city and county may, after a public hearing, establish by ordinance an urban equestrian ~~incentive~~ inclusion zone within its boundaries for the purpose of entering into enforceable contracts with landowners, on a voluntary basis, for restricting land use for equestrian activities.

~~(ii)~~

~~(B)~~ The boundaries ~~may include~~ *shall be within* an equine or equestrian district designated by a general plan or specific or master plan, which may include a specific narrative reference to a geographically determined area or map of the same. *Parcels adjoined and parcels only separated by a street or highway shall be considered to be within an equine or equestrian district.*

~~(iii)~~

~~(C)~~ The boundaries shall not include any parcels included in the sites inventory pursuant to paragraph (3) of subdivision (a) of Section 65583.

~~(B) A city, county, or city and county may, after a public hearing, establish by ordinance an urban equestrian incentive zone within its boundaries for the purpose of entering into enforceable contracts with landowners, on a voluntary basis, for the use of vacant, unimproved, blighted lands and properties with existing facilities used for equestrian activities.~~

~~(D)~~ *The boundaries shall only include parcels that currently contain, and have contained on an ongoing basis since January 1, 2020, an equestrian activity use.*

~~(E)~~ *Entering into enforceable contracts with landowners for restricting land use for equestrian activities shall be considered a reduction in the intensity of land use pursuant to subparagraph (A) of paragraph (1) of subdivision (b) of Section 66300 and shall require compliance with subdivision (h) of Section 66300.*

(2) Following the adoption of the ordinance pursuant to paragraph (1), a city, county, or city and county that has established an urban equestrian ~~incentive~~ inclusion zone within its boundaries may adopt rules and regulations consistent with the city, county, or city and county's general plan, zoning, and other land use standards, for the implementation and administration of the urban equestrian ~~incentive~~ inclusion zone and of contracts related to that urban equestrian ~~incentive~~ inclusion zone.

(3) The city, county, or city and county may impose a fee upon contracting landowners for the reasonable costs of implementing and administering contracts.

(b) (1) Following the adoption of the ordinance as required by subdivision (a), a city, county, or city and county may enter into a contract with a landowner to enforceably restrict the use of the land subject to the contract to uses consistent with urban equestrian activities and local jurisdiction requirements for public health and safety.

(2) A contract entered into pursuant to this chapter shall include, but is not limited to, all of the following provisions:

(A) An initial term of not less than five years.

(B) A restriction on property, or combination of contiguous properties that is at least 0.1 acres, and not more than three acres.

(C) A requirement that the entire property, or combination of contiguous properties, subject to the contract shall be dedicated toward equestrian activity use.

(D) A prohibition against any dwellings, except a livestock caretaker's dwelling, on the property while under contract.

(c) A contract entered into pursuant to this chapter shall not prohibit the use of structures that support equestrian activities, including, but not limited to, stables, barns, covered or uncovered riding areas, feed or hay barns, tool equipment sheds, tack rooms, and instructional space.

(d) (1) A city, county, or city and county shall not enter into a new contract or renew an existing contract pursuant to this chapter after January 1, 2029.

(2) A contract entered into pursuant to this chapter on or before January 1, 2029, shall be valid and enforceable for the duration of the contract.

(e) For purposes of this section, the following definitions apply:

(1) "Equestrian activities" means any activity involving equine.

(2) "Equestrian activity use" means land or structures where equine activities take place.

SEC. 2. *Section 66300 of the Government Code is amended to read:*

66300. (a) As used in this article, the following definitions shall apply:

(1) (A) Except as otherwise provided in subparagraph (B), "affected city" means a city, including a charter city, that the Department of Housing and Community Development determines, pursuant to subdivision (d), is in an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) Notwithstanding subparagraph (A), "affected city" does not include any city that has a population of 5,000 or less and is not located within an urbanized area, as designated by the United States Census Bureau.

(2) "Affected county" means a census-designated place, based on the 2013-2017 American Community Survey 5-year Estimates, that is wholly located within the boundaries of an urbanized area, as designated by the United States Census Bureau.

(3) Notwithstanding any other law, "affected county" and "affected city" includes the electorate of an affected county or city exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the affected county or city.

(4) "Department" means the Department of Housing and Community Development.

(5) "Development policy, standard, or condition" means any of the following:

(A) A provision of, or amendment to, a general plan.

(B) A provision of, or amendment to, a specific plan.

(C) A provision of, or amendment to, a zoning ordinance.

(D) A subdivision standard or criterion.

(6) "Housing development project" has the same meaning as defined in paragraph (3) of subdivision (b) of Section 65905.5.

(7) "Objective design standard" means a design standard that involves no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application.

(b) (1) Notwithstanding any other law except as provided in subdivision (h), with respect to land where housing is an allowable use, an affected county or an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district in effect at the time of the proposed change, below what was allowed under the land use designation or zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph (B) or subdivision (h). For purposes of this subparagraph, "reducing the intensity of land use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, ~~or~~ maximum lot coverage limitations, *entering into enforceable contracts with landowners for restricting land*

use for equestrian activities pursuant to Section 51043, or any other action that would individually or cumulatively reduce the site's residential development capacity.

(B) (i) Imposing a moratorium or similar restriction or limitation on housing development, including mixed-use development, within all or a portion of the jurisdiction of the affected county or city, other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium or for projects specifically identified as existing restricted affordable housing.

(ii) The affected county or affected city, as applicable, shall not enforce a zoning ordinance imposing a moratorium or other similar restriction on or limitation of housing development until it has submitted the ordinance to, and received approval from, the department. The department shall approve a zoning ordinance submitted to it pursuant to this subparagraph only if it determines that the zoning ordinance satisfies the requirements of this subparagraph. If the department denies approval of a zoning ordinance imposing a moratorium or similar restriction or limitation on housing development as inconsistent with this subparagraph, that ordinance shall be deemed void.

(C) Imposing or enforcing design standards established on or after January 1, 2020, that are not objective design standards.

(D) Except as provided in subparagraph (E), establishing or implementing any provision that:

(i) Limits the number of land use approvals or permits necessary for the approval and construction of housing that will be issued or allocated within all or a portion of the affected county or affected city, as applicable.

(ii) Acts as a cap on the number of housing units that can be approved or constructed either annually or for some other time period.

(iii) Limits the population of the affected county or affected city, as applicable.

(E) Notwithstanding subparagraph (D), an affected county or affected city may enforce a limit on the number of approvals or permits or a cap on the number of housing units that can be approved or constructed if the provision of law imposing the limit was approved by voters prior to January 1, 2005, and the affected county or affected city is located in a predominantly agricultural county. For the purposes of this subparagraph, "predominantly agricultural county" means a county that meets both of the following, as determined by the most recent California Farmland Conversion Report produced by the Department of Conservation:

(i) Has more than 550,000 acres of agricultural land.

(ii) At least one-half of the county area is agricultural land.

(2) Any development policy, standard, or condition enacted on or after the effective date of this section that does not comply with this section shall be deemed void.

(c) Notwithstanding subdivisions (b) and (e), an affected county or affected city may enact a development policy, standard, or condition to prohibit the commercial use of land that is designated for residential use, including, but not limited to, short-term occupancy of a residence, consistent with the authority conferred on the county or city by other law.

(d) The Department of Housing and Community Development shall determine those cities and counties in this state that are affected cities and affected counties, in accordance with subdivision (a) by June 30, 2020. The department may update the list of affected cities and affected counties once on or after January 1, 2021, and once on or after January 1, 2025, to account for changes in urbanized areas or urban clusters due to new data obtained from the 2020 census. The department's determination shall remain valid until January 1, 2030.

(e) (1) Except as provided in paragraphs (3) and (4) and subdivisions (g) and (h), this section shall prevail over any conflicting provision of this title or other law regulating housing development in this state to the extent that this section more fully advances the intent specified in paragraph (2).

(2) It is the intent of the Legislature that this section be broadly construed so as to maximize the development of housing within this state. Any exception to the requirements of this section, including an exception for the health and safety of occupants of a housing development project, shall be construed narrowly.

(3) This section shall not be construed as prohibiting the adoption or amendment of a development policy, standard, or condition in a manner that:

(A) Allows greater density.

(B) Facilitates the development of housing.

(C) Reduces the costs to a housing development project.

(D) Imposes or implements mitigation measures as necessary to comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(4) This section shall not apply to a housing development project located within a very high fire hazard severity zone. For purposes of this paragraph, "very high fire hazard severity zone" has the same meaning as provided in Section 51177.

(f) This section shall not be construed to void a height limit, urban growth boundary, or urban limit established by the electorate of an affected county or an affected city, provided that the height limit, urban growth boundary, or urban limit complies with subparagraph (A) of paragraph (1) of subdivision (b).

(g) (1) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). For a housing development project proposed within the coastal zone, nothing in this section shall be construed to prohibit an affected county or an affected city from enacting a development policy, standard, or condition necessary to implement or amend a certified local coastal program consistent with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(h) (1) This section does not prohibit an affected county or an affected city, including the local electorate acting through the initiative process, from changing a land use designation or zoning ordinance to a less intensive use, or reducing the intensity of land use, if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

(2) (A) For purposes of this subdivision, "concurrently" means the action is approved at the same meeting of the legislative body.

(B) Notwithstanding subparagraph (A), if the action that would result in a net loss of residential capacity is requested by an applicant for a housing development project, "concurrently" means within 180 days.

(C) Notwithstanding subparagraph (A), in the case of an initiative measure, "concurrently" means the action is included in the initiative in a manner that ensures the added residential capacity is effective at the same time as the reduction in residential capacity.

(3) (A) (i) The City of San Jose may proactively change a zoning ordinance to a more intensive use and subsequently use the additional capacity to change a zoning ordinance applicable to an eligible parcel to a less intensive use as long as there is no net loss in residential capacity.

(ii) A change to a zoning ordinance to a less intensive use under this paragraph shall occur within one year of the change to the zoning ordinance to a more intensive use.

(iii) For purposes of this paragraph, "eligible parcel" means a parcel that meets all of the following criteria:

(I) It is zoned for residential uses.

(II) It does not have a multifamily housing general plan designation.

(III) Its zoning is inconsistent with the general plan of the city in effect on January 1, 2018.

(B) A change to a zoning ordinance to a less intensive use under this paragraph shall not be effective until the City of San Jose establishes zoning districts that implement mixed-use neighborhood, urban residential, transit residential, and urban village general plan land use designations.

(C) The City of San Jose shall report each zoning ordinance amendment establishing a less intensive use pursuant to this paragraph in the following ways:

(i) In its annual report submitted pursuant to paragraph (2) of subdivision (a) of Section 65400 and submit the annual report to the relevant policy committees of the Legislature each year that the City of San Jose adopts a zoning ordinance amendment pursuant to this paragraph.

(ii) Electronically on an internet website accessible to the public by the time the zoning ordinance amendment is in effect.

(D) This paragraph shall become inoperative upon the date that the City of San Jose's housing element update for the sixth cycle is due pursuant to Section 65588.

(4) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use on a site that is a mobilehome park, as defined in Section 18214 of the Health and Safety Code, as of the effective date of this section, and the no net loss requirement in paragraph (1) shall not apply.

(i) Notwithstanding subdivisions (b) and (e), this section does not prohibit an affected city or an affected county from enacting a development policy, standard, or condition that is intended to preserve or facilitate the production of housing for lower income households, as defined in Section 50079.5 of the Health and Safety Code, or housing types that traditionally serve lower income households, including mobilehome parks, single-room occupancy units, or units subject to any form of rent or price control through a public entity's valid exercise of its police power.

(j) The amendments to subparagraph (A) of paragraph (1) of subdivision (b), and to paragraph (1) of subdivision (h) made by the act adding this subdivision do not constitute a change in, but are declaratory of, existing law.

~~SEC. 2.~~ **SEC. 3.** The Legislature finds and declares all of the following:

(a) Since the 20th century, California has become a hub for equestrian lifestyle, recreation, and sports, including show jumping, dressage, and rodeo. The state is home to world-renowned equestrian events such as the Del Mar National Horse Show and the Pasadena Rose Parade's equestrian units, and will be home to the 2028 Olympic equestrian events in southern California. Today, California's equestrian heritage is celebrated through its network of trails, historic ranches, and cultural events, making it a vital part of the state's identity.

(b) California's equestrian heritage is deeply rooted in history and dates back several centuries. The introduction of horses by Spanish settlers in the 1760s transformed the region, enabling the development of ranching, agriculture, and transportation systems that shaped California's economy and culture. This cultural influence has resulted in the establishment of various equestrian heritage communities located in places like Burbank, San Fernando, Avocado Heights, Palmdale, Pellissier Village, Sylmar, Compton, Atwater, Palos Verdes, Shadow Hills, Altadena, Tejon Ranch, Pico Rivera, Lakewood, Riverside, Santiago Canyon, Del Mar, Topanga Canyon, Long Beach, Rolling Hills, Glendale, Norco, Horse Park at Woodside, Napa Valley, Bunker Hill Ranch, Willow Creek, and many others.

(c) While California's housing crisis demands urgent action, we must ensure that we do not erase the state's equestrian heritage and benefits. By adopting balanced policies that create equine-friendly zoning and promote innovative solutions, California can address housing insecurity while preserving its historic equestrian land use. This approach ensures that the state's cultural, economic, and environmental resources are safeguarded for future generations, even as it works to tackle one of its most pressing challenges.

(d) Preserving equestrian land use is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, ~~Section~~ **Sections 1 and 2** of this act **amending Section 66300 of, and** adding Section 51043 ~~to~~ **to**, the Government Code ~~applies~~ **apply** to all cities, including charter cities.